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Oregon House Continues Work to Reform the Public Defense Service

House Bill 4004 updates the PDSC and makes key policy requirements

SALEM, Ore. – The Oregon House of Representatives voted today to continue needed reforms to the state’s public defense service. House Bill 4004 makes changes to the make up of the Public Defense Service Commission (PDSC) and directs the creation of specific policies concerning compensation, caseloads, oversight and more.

“Public defenders are working hard in every corner of Oregon,” said Rep. Tawna Sanchez (D-Portland), chair of the House Committee on Judiciary. “They are working to provide the most vulnerable individuals in our communities with the legal representation to which they are constitutionally entitled. While we still have more work to do, this is a great next step.”

[House Bill 4004](#) updates the composition of the Public Defense Service Commission (PDSC), the body that has oversight of the Office of Public Defense Services. This commission, appointed by the Chief Justice of the Oregon Supreme Court, will be expanded to nine members. It increases the number of PDSC members who are not also members of the state bar from two to three. It provides that of those three, at least one member be formerly engaged in the provision of public defense services and at least one member be a person who has been formerly represented by a public defense provider in this state.

“If we are truly going to provide equal access to justice in Oregon, we have to ensure that those who are using the system have a voice in it,” said Rep. Anna Williams (D-Hood River). “As is made clear in the data, the individuals who most need the system are all too often overlooked or ignored. With this legislation, I believe we have an opportunity to make progress toward remedying an injustice.”

The legislation also requires the PDSC to develop multiple policies as they continue work to build a more equitable and fair system. These include policies to ensure OPDS is in line with national and regional best practices, compensation is fair, and caseloads are manageable. It also establishes operational and contracting systems that allow for oversight, ensure transparency and stakeholder engagement, as well as promote equity, inclusion and culturally specific representation.

“For too long, Oregon has underfunded its public defense system and asked our public defenders to do more and more with less and less,” said Rep. Janelle Bynum (D-Happy Valley). “It is a

profound miscarriage of justice. I believe this legislation is an acknowledgement to our hardworking public defenders and the people they serve that the status quo is unacceptable.”

In 2019, the [Sixth Amendment Center delivered a report to the Oregon Legislature](#) that identified deficiencies within the state’s public defense service. Among its findings were the current per-case fee method of paying attorneys creates unconstitutional conflict between the need of many public defenders to take on as many cases as possible in order to stay afloat, and the constitutional right that their clients have to a thorough and rigorous defense. A second study funded by the Oregon Legislature in 2018 directed the American Bar Association to make recommendations for maximum caseloads for public defenders. These recommendations are due by November 2020.

House Bill 4004 passed 57 to 2. It now goes to the Oregon Senate for consideration

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